

	Example of a Router: CPOL, p.2: Cisco Use: “1. Enterprise Images ... c7200-js-mz /7200” (7200 is the platform on which the image including the CNS Client runs)
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CLAIM 26

Claim Elements	Facts Showing Reduction to Practice in the Exhibits and Declaration
A directory services-enabled network data switch for a packet-switched network.	CPOL, p.2: Cisco Use – includes a huge list of directory services enabled switches that can be used in packet-switched (IP) networks. <i>See Claim 21.</i> Example of a Switch: CPOL, p. 2: Cisco Use: “5. Enterprise Plus 40 C4500-js40-mz 4500/4700/4500-m” (4500/4700/4500-m are the platforms on which the image including the CNS client runs)

II. ARGUMENTS OF THE ADVISORY ACTION

The Advisory Action contends that the affidavit or declaration and exhibits previously submitted by applicants do not provide a “clear mapping” of claimed embodiments in the documents provided by “pointing to the portion” of the documents that provides support. The foregoing claim chart provides such a clear mapping of claim elements to the documents provided. Applicants respectfully submit that the arguments of the Advisory Action have been fully addressed.

The Advisory Action contends that the “examiner emphasized the blank date(s) in version control history of documents provided by the applicant, because examiner was trying to establish a relevance between applicant declaration of released for sale and claimed

embodiments.” Such relevance is established in the inventor’s declaration, which states that the embodiments disclosed in the exhibits were completed and commercially released before September 10, 1999, the effective date of Harrison et al. as a reference. The declaration is fully sufficient to establish such relevance. As explained at length in applicants’ previous reply, the Office cannot require an applicant to supply document dates when conception and diligence are not at issue.

As the Advisory Action correctly notes that “an accompanying exhibit need not support all claimed limitations, provided that any missing limitation is supported by the declaration itself.” Thus, it is entirely proper and sufficient for a declaration to “fill in gaps” in the documents that are submitted. Applicant has established, through the inventor’s declaration, that the reduction to practice shown in the documents occurred long prior to the date of the asserted prior art references. Nothing more is required.

For all the foregoing reasons, applicants’ previous submissions establish reduction to practice of the claimed invention, and the claims should be allowed in view of the declaration filed by the Applicant under 37 C.F.R. §1.131 and the supporting documents. The effective date of Harrison et al. as a reference is September 10, 1999. The inventor’s declaration and exhibits, as clarified herein, require the Office to remove Harrison et al. as a reference, and overcome a rejection under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a) based on Harrison et al. Since all of the rejections of the Office Action rely on Harrison et al. alone or in combination with another reference, all the rejections over art should be removed, and all the claims are allowable.

III. CONCLUSIONS

For the reasons set forth above, all pending claims are patentable over the art of record. Accordingly, allowance of all claims is hereby respectfully solicited.


The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

For one (1) month and otherwise to the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136, and a check for extension of time fees for one (1) month is submitted herewith. Throughout the pendency of this application, the Director is hereby authorized to charge any fee that is properly due for this application to our Deposit Account No. 50-1302.

Respectfully submitted,

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